

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2019-11

Application ZB#2019-09

**RESOLUTION OF MEMORIALIZATION
SILVIA SECELEAN
APPLICATION FOR
SECOND AMENDED USE VARIANCE
BLOCK 166, LOT 12.01
IN THE R LOW DENSITY RESIDENTIAL ZONING DISTRICT
APPROVAL**

Decided: August 5, 2019
Resolution Memorialized: August 27, 2019

WHEREAS, siblings Silvia Secelean and Ioan Secelean, were granted use variance approval by the Florence Township Zoning Board of Adjustment by way of Resolution 2011-28 to convert an existing detached garage into a 576 sq. ft. one bedroom apartment, at property located at 1019 Potts Mill Road and known on the official Tax Map of the Township of Florence as Block 166, Lot 12.01;

WHEREAS, in the course of construction of the approved apartment, the applicants determined that the previously approved 6' x 18' concrete-floored porch attached to the new apartment is too small to be useable, and the Board granted amended use variance approval by way of its Resolution 2012-23 to amend the previously granted approval to allow a 10' x 18' porch;

WHEREAS, Ms. Secelean now seeks to add 336 sq. ft. of additional living space to her dwelling and requests amended use variance approval to allow construction of such an addition;

WHEREAS, the applicant is a co-owner of the subject property, and therefore has standing to bring this matter before the Board;

WHEREAS, at its August 5, 2019 regular meeting, upon a finding that proper notices of hearing had been mailed and published by the applicant, the Board opened the public hearing on the application, and found the application for amendment of the previously granted use variance approval sufficiently complete to be heard;

WHEREAS, applicant, and her brother Ioan Secelean, co-owner of the subject property, appeared pro se were sworn and offered their testimony in support of the application;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is a co-owner of the subject property and therefore has standing to bring this matter before the Board.
2. The subject property is located at 1019 Potts Mills Road, in Florence Township's R Low Density Residential Zoning District, is 1.9 acres in area, and is known on the official Tax Map of the Township of Florence as Block 166, Lot 12.01;
3. The applicant's apartment use (in fact a second single-family dwelling) is not permitted as of right in the R Zone District, is permitted pursuant to use variance relief granted by the Board pursuant to Resolution 2011-28 and amended use variance approval granted by the Board pursuant to its Resolution 2012-23.
4. The applicant now seeks to amend the previously granted approval to allow construction of a 14 ft. x 24 ft. (336 sq. ft.) one-story addition that would provide room for added storage, a family room and an area for a clothes washer and dryer. A closet for mechanical equipment would be accessible from outside the living space. The dwelling will continue to have only one bedroom.
5. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.

6. The applicant has submitted the following documents in support of her application:
 - a. A completed Township of Florence Land Development Application for Use Variance;
 - b. A completed Township of Florence Checklist of Submission Requirements for Variance Applications;
 - c. A Township of Florence Tax Collector's Certification that no taxes were due on the subject property at the time of the application;
 - d. A statement in support of the application;
 - e. Architectural drawings of the proposed addition comprised of 3 sheets dated 05/10/18, revised 5/06/19 and prepared by Anthony Aurelio Brun, RA, PP;
 - f. An executed Escrow Agreement;
 - g. Proper application and escrow fees as required by ordinance;
 - h. A Zoning Officer's Certification detailing the required relief.
7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letter dated July 29, 2019 commenting upon the application which is hereby incorporated into the record.
8. The Board's Planner, Barbara Fegley, PP, AICP, of Environmental Resolutions, Inc., submitted a review letter commenting upon the application dated July 31, 2019 which is hereby incorporated into the record.
9. The proposed addition is in conformity with the bulk regulations of the R Zone District for properties like the subject which are connected to public sewer and water and does not add any bedrooms to the building such that it would lead to an increase in the intensity of the use. The proposed development does not alter or diminish the buffering of the apartment use from surrounding properties in light of the existing plantings at the subject property's perimeter and the appropriate setbacks.
10. The additional impervious lot coverage as a result of the amended development is minimal in light of the size of the subject property, and there do not appear to be any existing drainage issues that would be exacerbated by the addition.
11. No public comment was offered on the proposed development

Conclusions of Law:

The Board finds as follows:

The proposed additional living area for the apartment use, subject to appropriate limiting conditions set forth below, meets the positive criteria for use variance approval because the subject property is peculiarly suited to this proposed use. The site continues to support the proposed use without negative impacts on adjoining parcels, and the additional living area will continue to promote efficient and cost effective use of land and remain substantially similar to and, especially since the dwelling will continue to have only one bedroom, will be no more intensive than existing use and the surrounding permitted single-family residential uses. Therefore, the use variance amendment can be granted without substantial detriment to the public good, or impairment of the zone plan or the Master Plan.

The proposed development is therefore entitled to amended use variance approval.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Silvia Secelean for approval to amend the previously granted use variance approvals to allow to add 336 sq. ft. of additional living space to the existing 576 sq. ft. one bedroom apartment, at property located at 1019 Potts Mill Road and known on the official Tax Map of the Township of Florence as Block 166, Lot 12.01, be, and hereby is, **APPROVED**, subject to the following conditions:

1. Compliance with all conditions of the prior use variance approvals not specifically and affirmatively waived or altered by this approval.
2. The Board has relied upon the testimony of the witnesses and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.
3. All taxes and escrow fees for professional review must be paid current and in full.
4. Any additional development on the subject property, or any modification to any development pursuant to, or inconsistent with, this approval, shall require approval of this Board.

5. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
6. Compliance with all federal, state, county and local laws, rules, regulations and obtain all other required governmental approvals which may be required in implementation of this development, including but not limited to: Burlington County Soil Conservation District and Florence Township Office of Construction Code Enforcement. Copies of all permits and certifications related to such approvals shall be filed with this Board.
7. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
8. Any permits, deeds, easements, vacations, dedications or other documents related to this proposed development shall be approved by the Board attorney and Board engineer and filed with the appropriate authority. Proof of recording with the County Clerk shall be filed with this Board.
9. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within one year of the date hereof, this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE:

Moved by : Mr. Lutz
Seconded by : Mr. Cartier
In Favor : Mr. Lutz, Mr. Cartier, Mr. Buddenbaum, Mr. Drangula, Ms. Mattis, Mr. Puccio, Chairman Zekas
Opposed : None
Abstained : None
Absent : Mr. Sovak, Mr. Patel

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Lutz
Seconded by : Mr. Buddenbaum
In Favor : Mr. Lutz, Mr. Buddenbaum, Mr. Drangula, Mr. Puccio, Chairman Zekas
Opposed : None
Abstained : None

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 27 Aug 2019


B. Michael Zekas, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on August 27, 2019 and memorializes a decision taken by the Board on August 5, 2019.

Dated: 8/27/2019


Larry Lutz, Secretary